

IN SENATE OF THE UNITED STATES.

MAY 21, 1836.

Read, and ordered to be printed.

Mr. SOUTHARD made the following

REPORT:

*The Committee on Naval Affairs, to whom was referred the memorial of John P. Zantzinger, a master commandant of the United States navy, praying additional compensation on account of expenses incurred as "flag captain" in the squadron on the coast of Brazil, report:*

The memorialist claims pay as flag captain from the 1st of September, 1834, to the 3d of March, 1835, being six months and three days; when the act entitled "An act to regulate the pay of the navy of the United States" was passed. This pay is forty dollars per month, in addition to his pay as master commandant. During the period for which this pay was claimed, he was a master commandant in command of the sloop of war Natchez, then in active service on the coast of Brazil. He was appointed flag captain by Commodore Woolsey, who was then in command of the squadron on that coast. His appointment was sanctioned by the Secretary of the Navy.

Commodore Woolsey remained on board with his flag, during the period for which the pay is claimed. On the 1st of September, 1834, an order of the Secretary of the Navy went into operation, which forbade the allowance of the pay claimed; but the petitioner considers himself entitled to the pay, because the commanding officer of the squadron with his flag, continued on board, and he was subject to the additional responsibilities and expenses for which the extra compensation of forty dollars per month was allowed.

The committee cannot concur in opinion with the petitioner. The regulation of the Department on this subject is in the following words: "Every commander of a squadron upon a foreign station is authorized to appoint a flag captain, or to select any officer to perform the duties, under the sanction of the Secretary of the Navy. The appointment without such sanction is prohibited."—July 21, 1817. "A commodore or commander of a division, having under his command four ships of a rate not below that of a frigate, shall be entitled to an officer of the rank of master commandant, who shall, while performing this service, receive the pay and emoluments of a captain of a frigate of the second class."

The force under the command of Commodore Woolsey did not, by these regulations, justify the appointment; and as the petitioner was ap-

prized by the Department by letter of the 4th of June, 1834, that the increased pay could not be allowed, (see letter annexed,) the committee are of opinion that the claim of the petitioner ought not to be allowed, and offer the following resolution:

*Resolved*, That the prayer of the petitioner be not allowed.

NAVY DEPARTMENT,

June 4, 1834.

SIR: Since the printed regulations of 1818, no commander of a squadron is authorized to appoint a flag captain so as to give him increased pay, unless the force under his command be larger than that on the coast of Brazil.

But as you probably may have been induced on this subject to expect my approbation, in consequence of some former precedents, and of a clause in the rule of A. D. 1817, without adverting to the subsequent regulation of 1818, virtually modifying all former rules, and as increased expense under the same error may have been incurred by those selected, I hereby sanction your appointments of flag captains, to continue to the 1st of September next.

But after that date no appointments of flag officers on any station, which may give increased pay, will be authorized, continued, or sanctioned, except under circumstances described in the thirty-sixth page (octavo edition) of the printed regulations of 1818.

Respectfully,

LEVI WOODBURY.

Com. M. T. WOOLSEY,

*Commanding U. S. squadron coast of Brazil.*